



05-26-04

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

KIEFHABER et al.

Serial No.: 10/815,534

Filed: March 31, 2004

Atty. File No.: 4366-140

For: "TRACKING AND ACTING ON ONE
AND DONE"

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Group Art Unit:

Examiner:

INFORMATION DISCLOSURE STATEMENT

"EXPRESS MAIL" MAILING LABEL NUMBER: EV368038395US
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I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING
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TYPED OR PRINTED NAME: Amy S. Diarte

SIGNATURE: *Amy S. Diarte*

Dear Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

☒ Copies of the cited non-patent and/or foreign references are enclosed herewith.

☒ Copies of the cited U.S. patents/patent application publications are not enclosed in

accordance with the waiver dated July 11, 2003, whereby patent applications filed after June 30, 2003 and international applications that have entered the national stage under 35 U.S.C. § 371 after June 30, 2003 need not submit copies of U.S. patents and U.S. patent application publications.

☐ Copies of the cited references are not enclosed, in accordance with 37 C.F.R. 1.98(d),

because the references were submitted to the U.S. Patent and Trademark Office in prior application Serial No. _____ filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

☐ To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

☒ Examiner's attention is drawn to the following co-pending applications, copies of which are being submitted:

Serial No. 10/815,584 filed March 31, 2004; and

Serial No. 10/815,556 filed March 31, 2004.

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in

the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

FEES

<input checked="" type="checkbox"/>	<p>37 CFR 1.97(b): No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith satisfies one of the following conditions ("X" indicates satisfaction):</p> <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or <input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or <input type="checkbox"/> Before the mailing date of a first Office Action on the merits, or <input type="checkbox"/> Before the mailing of a first Office action after the filing of a request for continued examination under 37 CFR 1.114. </div> <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Avaya Inc. Deposit Account 50-1602.</p>
<input type="checkbox"/>	<p>37 CFR 1.97(c): The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <div style="margin-left: 40px;"> (1) a final action under 37 C.F.R. 1.113 or (2) a notice of allowance under 37 C.F.R. 1.311, or (3) an action that otherwise closes prosecution in the application. </div> <p>This Information Disclosure Statement is accompanied by:</p> <div style="margin-left: 20px;"> <input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Avaya Inc. Deposit Account 50-1602. </div> <p style="text-align: center;">OR</p> <div style="margin-left: 20px;"> <input type="checkbox"/> Please charge Avaya Inc. Deposit Account 50-1602 in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Avaya Inc. Deposit Account 50-1602. </div>
<input type="checkbox"/>	<p>37 CFR 1.97(d): This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <div style="margin-left: 20px;"> <input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(e) </div> <p style="text-align: center;">AND</p> <div style="margin-left: 20px;"> <input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Please charge Avaya Inc. Deposit Account 50-1602 in the amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpayment or charge any underpayment to Avaya Inc. Deposit Account 50-1602. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification. </div>

Certification (37 C.F.R. 1.97(e))
(Applicable only if checked)

☐ The undersigned certifies that:

☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).

☐ A copy of the communication from the foreign patent office is enclosed.

OR

☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(2).

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

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Registration No. 37,739
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: May 24, 2004

SHEET 1 OF 5

FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY. DOCKET NO. 4366-140	SERIAL NO. Not Yet Assigned
	APPLICANT KIEFHABER et al.	
	FILING DATE March 31, 2004	GROUP ART

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
	1.	4,567,323	01/28/86	Lottes et al.	179	18 B	
	2.	5,155,761	10/13/92	Hammond	379	67	
	3.	5,206,903	04/27/93	Kohler et al.	379	309	
	4.	5,291,550	03/01/94	Levy et al.	379	242	
	5.	5,299,260	03/29/94	Shaio	379	265	
	6.	5,309,513	05/03/94	Rose	379	265	
	7.	5,335,269	08/02/94	Steinlicht	379	266	
	8.	5,506,898	04/09/96	Costantini et al.	379	266	
	9.	5,537,470	07/16/96	Lee	379	266	
	10.	5,546,452	08/13/96	Andrews et al.	379	219	
	11.	5,592,378	01/07/97	Cameron et.	395	227	
	12.	5,594,726	01/14/97	Thompson et al.	370	485	
	13.	5,606,361	02/25/97	Davidsohn et al.	348	14	
	14.	5,627,884	05/06/97	Williams et al.	379	67	
	15.	5,684,872	11/04/97	Flockhart et al.	379	266	
	16.	5,724,092	03/03/98	Davidsohn et al.	348	14	
	17.	5,740,238	04/14/98	Flockhart et al.	379	221	
	18.	5,751,707	05/12/98	Voit et al.	370	384	
	19.	5,754,639	05/19/98	Flockhart et al.	379	221	
	20.	5,790,677	8/4/98	Fox et al.	380	24	
	21.	5,818,907	10/06/98	Maloney et al.	379	34	

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

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	22.	5,825,869	10/20/98	Brooks et al.	379	265	
	23.	5,828,747	10/27/98	Fisher et al.	379	309	
	24.	5,839,117	11/17/98	Cameron et al.	705	27	
	25.	5,875,437	2/23/99	Atkins	705	40	
	26.	5,880,720	3/9/99	Iwafune et al.	345	327	
	27.	5,884,032	03/16/99	Bateman et al.	395	200.34	
	28.	5,897,622	4/27/99	Blinn et al.	705	26	
	29.	5,903,641	05/11/99	Tonisson	379	266	
	30.	5,903,877	05/11/99	Berkowitz et al.	705	26	
	31.	5,905,793	05/18/99	Flockhart et al.	379	266	
	32.	5,943,416	08/24/99	Gisby	379	265	
	33.	5,982,873	11/09/99	Flockhart et al.	379	266	
	34.	6,000,832	12/14/99	Franklin et al.	364	479.02	
	35.	6,044,205	3/28/00	Reed et al.	395	200.31	
	36.	6,049,547	04/11/00	Fisher et al.	370	412	
	37.	6,064,730	05/16/00	Ginsberg	379	265	
	38.	6,064,731	05/16/00	Flockhart et al.	379	265	
	39.	6,084,954	07/04/2000	Harless et al.	379	140	
	40.	6,088,441	07/11/00	Flockhart et al.	379	265	
	41.	6,151,571	11/21/00	Pertrushin	704	209	
	42.	6,163,607	12/19/00	Bogart et al.	379	266	
	43.	6,173,053 B1	01/09/01	Bogart et al.	379	266	
	44.	6,192,122 B1	02/20/01	Flockhart et al.	379	266	
	45.	6,259,969 B1	07/10/2001	Tackett et al.	700	264	
	46.	6,275,806 B1	08/14/01	Pertrushin	704	272	

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	47.	6,275,991 B1	08/14/2001	Erlin	725	141	
	48.	6,278,777 B1	08/21/2001	Morley et al.	379	265	
	49.	6,292,550 B1	09/18/2001	Burritt	379	201	
	50.	6,295,353 B1	09/25/01	Flockhart et al.	379	265	
	51.	6,353,810 B1	03/05/02	Petrushin	704	236	
	52.	6,366,668 B1	04/02/02	Borst et al.	379	266.04	
	53.	6,389,028 B1	05/14/02	Bondarenko et al.	370	401	
	54.	6,389,132 B1	05/14/02	Price et al.	379	265	
	55.	6,389,400 B1	05/14/02	Bushey et al.	705	7	
	56.	6,427,137 B1	07/30/02	Petrushin	704	273	
	57.	6,430,282 B1	08/06/02	Bannister et al.	379	211.02	
	58.	6,449,356 B1	09/10/02	Dezono	379	265.01	
	59.	6,453,038 B1	09/17/02	McFarlane et al.	379	265.05	
	60.	6,463,346 B1	10/08/02	Flockhart et al.	700	102	
	61.	6,463,415 B1	10/08/02	St. John	704	273	
	62.	6,480,826 B1	11/12/02	Pertrushin	704	270	
	63.	6,535,600 B1	03/18/03	Fisher et al.	379	265.12	
	64.	6,597,685 B2	07/22/03	Miloslavsky et al.	370	352	
	65.	2001/0056349 A1	12/27/01	St. John	704	270	08/31/99
	66.	2002/0010587 A1	01/24/02	Pertrushin	704	275	08/31/99
	67.	2002/0118816 A1	08/29/02	Flockhart et al.	379	265.12	01/09/01
	68.	2002/0181692 A1	12/05/02	Flockhart et al.	379	265.02	06/05/01
	69.	2002/0194002 A1	12/19/02	Petrushin	704	270	07/12/02
	70.	2002/0002460 A1	01/03/02	Pertrushin	704	270	08/31/99
	71.	2002/0002464 A1	01/03/02	Petrushin	704	275	08/31/99

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	72.	10/815,584		Kiefhaber			03/31/04
	73.	10/815,556		Kiefhaber			03/31/04

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO
	74.	EP 0 866 407 A1	09/23/1998	EPO	G06F	17/30	X	
	75.	EP 0 829 996 A2	03/18/1998	EPO	H04M	3/50	X	
	76.	WO 97/28635	08/07/1997	PCT	H04M	11/00	X	

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

77.	Doo-Hyun Kim et al. "Collaborative Multimedia Middleware Architecture and Advanced Internet Call Center"; Proceedings International Conference on Information Networking (Jan. 31, 2001), pp. 246-50.
78.	Presentation by Victor Zue, <i>The MIT Ox90ygen Project</i> , MIT Laboratory for Computer Science (April 25-26, 2000).
79.	MIT Project Oxygen, <i>Pervasive, Human-Centered Computing</i> (MIT Laboratory for Computer Science) (June 2000).
80.	E. Noth et al., "Research Issues for the Next Generation Spoken"; University of Erlangen-Nuremberg, Bavarian Research Centre for Knowledge-Based Systems, at http://www5.informatik.uni-erlangen.de/literature/psdir/1999/Noeth99:RIF.ps.gz .
81.	L.F. Lamel and J.L. Gauvain, Language Identification Using Phone-Based Acoustic Likelihoods, ICASSP-94, 4 pages.
82.	John H.L. Hansen and Levent M. Arslan, <i>Foreign Accent Classification Using Source Generator Based Prosodic Features</i> , IEEE Proc. ICASSP, Vol. 1, pp. 836-839, Detroit USA (May 1995).
83.	Levent M. Arslan and John H.L. Hansen, <i>Language Accent Classification in American English</i> , Robust Speech Processing Laboratory, Duke University Department of Electrical Engineering, Durham, NC, Technical Report RSPL-96-7, revised 1/29/96.
84.	Levent M. Arslan, <i>Foreign Accent Classification in American English</i> , Department of Electrical Computer Engineering, Duke University, Thesis, pages 1-200 (1996).

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	85.	No Author, "When Talk Isn't Cheap" Sm@rt Reseller, v. 3, n. 13 (Apr. 3, 2000), p. 50.
	86.	No Author, "eGain's Commerce 2000 Platform Sets New Standard for eCommerce Customer Communications" Business Wire (Nov. 15, 1999).

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